

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, July 17, 2012 at 7:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

**DEPARTMENT HEADS PRESENT:**

Meg Ferris  
Gary Pendzick  
Scott Harrington  
Jefferson Murphree  
Dave Hegermiller  
Chis Kempner  
Rick Hanley

**OTHERS PRESENT:**

Tara McLaughlin  
Jill Lewis

(The meeting was opened at 7:00 p.m.)

(At this time, the Pledge of Allegiance was recited)

(The invocation was provided by Rabbi Bill Siemers, from the Temple Israel of Riverhead)

Supervisor Walter: "-- make a motion?"

Councilman Dunleavy: "I'd like to make a motion that we approve the town board minutes of the town board meeting of July 3, 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay, Diane. Reports."

Diane Wilhelm: "Under Reports."

**REPORTS:**

Tax Receiver	utility collection report, June 2012 - \$220,243.75
Fire District	Riverhead fire district financial statements 2011

**CORRESPONDENCE:**

Hallockville Museum Farm	letter regarding the proposed amendment to Chapter 64 of the town code
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**APPLICATIONS (pending Town Board approval)**

Special permit	Ottoman Enterprises, Inc. II - convenience store with five fueling stations at 626 Main St., Riverhead, NY (SCTM#0600-124-3-21.1)
Chapter 90 - special event	Long Island Moose classic car club at Tanger Outlet - Sept. 9, 2012

Diane Wilhelm: "And that's it."

Councilman Wooten: "And I think Eric Biegler has some correspondence he'd like to read into the record."

Eric Biegler: "Thank you. Appreciate it."

Eric Biegler, President Sound Park Heights Civic Association and member of the Reeves Park community. For those of you who don't know where Reeves Park is, it's located to the north of Riverhead right by one of our wonderful town beaches.

We have a piece of property just to the west of the town beach. We sit there all day long enjoying the sun and the beautiful water and very rarely do we ever look to the east of us to see these people who sit there on their lifeguard stand day in and day out.

We have very little interaction with them except for maybe to go for a cut heel from a barnacle or that dreaded jellyfish sting.

But I'd like to read into the record if I would a letter that we are submitting to the town of Riverhead recreation department.

It is with our sincerest gratitude that we, Sound Park Heights, and the community of Reeves Park, wish to recognize and thank several of your young employees for their outstanding community service and heroism.

As you know, on Monday July 2, 2012, lifeguard Paul Iannacchino, lifeguard Emma Della Carpini and attendant Patrick O'Neil worked together to conduct a rescue of a member of our community who found himself in turmoil while kayaking.

Our association will always be indebted to these young people who put their training to use and selflessly saved one of our own. We are comforted in that fact that such young people are watching over our beaches.

We hope that the recreation department and the entire town of Riverhead join us in recognizing these young people and be proud of them for their quick and levelheaded actions in the face of this emergency.

Signed, Eric Biegler, President Sound Park Heights."

Supervisor Walter: "We're going to have-- "

Eric Biegler: "Thank you. I'd like to submit copies."

Supervisor Walter: "We're coordinating having that young man in with Ray Coyne who I think is on vacation this week but we will have him in for a board meeting and potentially the gentleman that he rescued. So we're working on that."

Thank you, sir."

Eric Biegler: "Great, great. I just didn't want it to go too long before we recognize him."

Supervisor Walter: "I think it's-- probably the only reason he's not here is because Ray's on vacation but just, Tara, make a note that Ray-- next board meeting. See, it's already scheduled."

Councilman Wooten: "Is Ray on vacation?"

(Inaudible comment)

Supervisor Walter: "Thank you. All right. Any other reports?"

Councilman Gabrielsen: "I'd just like-- the good news out at EPCAL ballfield is-- I got a call today from our consulting engineer, they've actually started work today. Finish up the ballfields and they're doing-- putting the stakes and surveying in and tomorrow they'll actually start digging for the dugouts. So it did start."

Councilman Wooten: "I'm glad you reminded me about EPCAL."

Councilman Gabrielsen: "And it's a six week project. So we're looking to get finished-- probably around the end of August."

Councilman Wooten: "And also this Saturday, everybody in

attendance, the (inaudible) dog park, the first Riverhead dog park will open this Saturday at 10:00. It's part of the EPCAL ballfield behind it, right behind the parking lot so the site improvements are being finished this week and we're all set to open on Saturday, so if you can make it down, bring your dog, have a cold soda and come join us."

Councilman Dunleavy: "What time?"

Councilman Wooten: "Ten o'clock."

Councilwoman Giglio: "And I would like to say on behalf of the alternative transportation committee, you will see bike racks installed throughout our town, at our town beaches and at our recreation sites including one outside of town hall.

So we want to thank Cornell Cooperative for assisting us in the purchase of these bike rakes which equates to about \$20,000.

We also installed a water drinking fountain at the community gardens and have purchased signs to advertise the farmer's market on Thursday afternoons downtown on the riverfront.

So Cornell Cooperative Extension received a grant for creating healthy places and have been working very closely with me and the alternative transportation committee to provide these fabulous items for downtown Riverhead, to bring people throughout the town of Riverhead with the bike racks and what have you.

So thank you."

Supervisor Walter: "Thank you."

Councilman Wooten: "I still don't know how to hook my bicycle- "

Councilman Gabrielsen: "How do you hook your bikes to those- do you parallel park- "

Councilwoman Giglio: "There are signs for both the historic district and for the bicycles to instruct people that

they have to parallel park to the bicycle rack. And hopefully the historic district signs which have been in for months—hopefully buildings and grounds will be freed up shortly and the supervisor's office will authorize them to hang those signs.

So we're waiting for buildings and grounds to get some free time to do so."

Public hearing opened: 7:12 p.m.

Supervisor Walter: "Okay. We have three public hearings. The first one is consideration of a local law amending Chapter 52 of the Riverhead town code entitled building construction and we're going to open this public hearing up.

And this really was to keep our energy star program in conformance with the New York State building code so that we don't have to keep amending it every time LIPA decides to change something.

Does anybody wish to be heard on this matter? Not seeing anybody I will close the public comment portion and leave it open for written comment until July 27<sup>th</sup> at 4:30 p.m. in the town clerk's office."

Public hearing closed: 7:12 p.m.

Left open for written comment to  
July 27, 2012

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Public hearing opened: 7:13 p.m.

Supervisor Walter: "Okay. Next public hearing is also scheduled for 7:05 and that's a consideration of a local law amending Chapter 58 of the town code entitled Dogs - licensing and, Jim, is this one of yours?"

Councilman Wooten: "It isn't. But it came out of code revision. It's when you have a service dog or a therapy dog, the town is waiving an exception that you don't have to pay a license fee."

Supervisor Walter: "Okay, sounds good. Is there anything else, Jodie, on that?"

Councilwoman Giglio: "No."

Supervisor Walter: "Okay. Does anybody wish to be heard on this? Not seeing anybody, I will close the public comment portion and leave it open for written comment until July 27<sup>th</sup> in the town clerk's office."

Public hearing closed: 7:14 p.m.

Left open for written comment for 10 days to July 27, 2012, in the town clerk's office

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Public hearing opened: 7:14 p.m.

Supervisor Walter: "Okay, 7:05 having arrived, we have the last public hearing and this is a public hearing for the consideration of whether the YMCA should be designated the qualified and eligible sponsor for the redevelopment of approximately 7.3 acres at EPCAL and whether said property should be leased to and thereafter a transfer of title upon approval of the EPCAL re-use plan and completion of the subdivision.

Frank Isler is an attorney working for the town of Riverhead. Frank, if you could elaborate on that?"

Frank Isler: "Yes. Good evening. My name is Frank Isler. I'm a local attorney here in Riverhead.

The purpose of this hearing is to determine whether or not the YMCA can be deemed a qualified and eligible sponsor under state law to perform a redevelopment of certain acreage in EPCAL for the purposes of building a Y facility and operating thereafter as a Y.

And part of the project includes not only the construction of the building at the Y's expense, but the Y will dedicate \$25,000 per year to Riverhead residents deemed eligible for

financial assistance to defray membership costs.

The Y will be— in further consideration of this project, offer quarterly vocational classes free of charge to all Riverhead residents and bi-monthly recreational youth and adult programs to Riverhead residents."

Supervisor Walter: "Okay. So now I have to cut you off for a second.

We have to close the town board meeting and open the CDA."

Frank Isler: "Yes, yes."

Supervisor Walter: "Can I get a motion to close the town board— "

Councilman Dunleavy: "I make a motion that we close the town board meeting and open the CDA meeting. So moved."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "Any opposed? Okay."

Town board meeting closed

Town board meeting reopened

Supervisor Walter: "All right. Sal Mastropaolo, what can we do for you, sir?"

Sal Mastropaolo: "Resolution 556. Was that published and posted already or is the date wrong? The July 12<sup>th</sup> paper."

Robert Kozakiewicz: "It should be August."

Sal Mastropaolo: "No, not the date of the public hearing. The date of the paper that it's going to be in."

Robert Kozakiewicz: "Next Thursday, th 26<sup>th</sup>. It would be July 26<sup>th</sup>.



Supervisor Walter: "It should be July 26<sup>th</sup> and not the 12<sup>th</sup>."

Sal Mastropaolo: "Right. 564, the same comment. And 578-- "

Supervisor Walter: "Hold on, 564. Where is that, yes, July 26<sup>th</sup>. Okay, Sal."

Sal Mastropaolo: "578. The resolution really says nothing. I mean shouldn't you at least have the employee's name in there? That way if you go back to it six months from now, you'll know what it was discussing."

Tara, did-- "

Tara: "The town clerk will get a copy of it (inaudible)."

Supervisor Walter: "Okay. Did Zuckerman approve this?"

Tara: "Yes."

Sal Mastropaolo: "That's it."

Supervisor Walter: "Okay. Dominique Mendez, what can we do for you?"

Dominique Mendez: "I just wanted to make a-- just a brief statement on Resolutions 556, 575, 576 and 577 and actually, let's see, it's not really a statement from me although the RNPC agrees with these sentiments."

Sid couldn't be here, so I'm going to-- "

Councilman Wooten: "What was it again? I'm sorry."

Dominique Mendez: "These are all about the Wading River corridor study, 556, 575, 576 and 577."

Councilman Wooten: "Thank you."

Dominique Mendez: "And Sid couldn't be here so I'm just going to read his statement for him and he wanted to say that:

The Wading River Civic Association supports the resolutions on today's agenda that will enable the process of completing the Route 25A plan to move forward.

It is our belief that there are certain aspects of the proposed plan that can and should be improved on. A public hearing on the plan will hopefully produce zoning texts that is in the best interests of all stakeholders.

We look forward to working with you on this important task.

Very truly yours, Sid Bail.

And as I said the RNPC echoes those sentiments. He's an eloquent man so I don't need to say more than that except that there's one thing I noticed on the map one and it is 577.

And I looked at the map outside on the proposed change to the map and all I saw was the area that's like across from the King Kullen-CVS that shows three parcels possibly being re-zoned to MRP but it doesn't show the parcel next to the Valero unless I'm missing something.

So I just wanted to make that note. Unless I'm missing something I think you're— there should be a second map or it should be smaller. Right? Because it doesn't show that parcel."

Robert Kozakiewicz: "It doesn't show that, you're right. Absolutely."

Supervisor Walter: "I think that's true and we'll amend the resolution to include a map that shows that triangle parcel."

Dominique Mendez: "Okay."

Supervisor Walter: "I think that's what was our intention. Isn't that our intent— wasn't the intention— "

Dominique Mendez: "I think— and I saw a little— I tried to cross check it with these documents, it was just too quick, and just a little conflict there on one thing I didn't see it

noting for re-zoning. But, yeah, that's always been what you talked about and, you know- "

Supervisor Walter: "That makes the property have some value. The way it's zoned now, it has no value."

Dominique Mendez: "Right. And so, you know, so there might be something that will make note of in the public hearing that might be a mistake also in the comp plan on that parcel, too."

Supervisor Walter: "I don't know if I want to amend this at this point or- "

(Inaudible comment)

Dominique Mendez: "Yeah. It's the map that's outside in the book. It just doesn't include that parcel."

Supervisor Walter: "I'm not going to hold it up for that triangle parcel. We want to move this."

Robert Kozakiewicz: "The EAF does show it."

Dominique Mendez: "Yeah, you just need to somehow- "

Councilman Wooten: "We may have to (inaudible)."

Councilwoman Giglio: "Maybe we can just get the tax map number and include that in the resolution and then the resolution is going to include that tax map number."

Dominique Mendez: "Yes, something to reflect it, add to it."

Supervisor Walter: "Okay."

Dominique Mendez: "Okay. Thank you."

Supervisor Walter: "All right. Does anybody else wish to be heard on the resolutions? Matt."

Matt Hattorff: "I was outside. Are you pulling any resolutions off the floor?"

Supervisor Walter: "I think we are."

Matt Hattorff: "And will we have time to comment on those when they're pulled and what they reference to?"

Supervisor Walter: "It's a personnel matter, so you might as well comment on it now."

Matt Hattorff: "Well then I would recommend that, you know, as a board you saw the report, you saw the hearing officer's report and recommendations, and I would hope as a board you would follow them."

Supervisor Walter: "Tara, where is that resolution?"

Tara: "Diane has it. I gave it to you."

(Some inaudible discussion)

Supervisor Walter: "Okay, does anybody else wish to be heard? Not seeing anybody, before we take up the resolutions, Diane, I'd like to get a motion so we can un-table-- these are Wading River ones that didn't make the cut.

I'd like to make a motion to un-table and withdraw if I could get a motion, 537, 538, and 539 to correct and withdraw."

Councilman Dunleavy: "I make a motion we un-table and withdraw Resolutions 537, 538 and 539."

Supervisor Walter: "Is there a second on that?"

Councilwoman Giglio: "And seconded."

Councilman Wooten: "I have a question. 539 looks like it was adopted. Was adopted. Is it adopted?"

Diane Wilhelm: "No, that should say tabled. That's-- right. But at the top it-- no, you're right. That should say tabled."

Councilman Wooten: "Okay."

Supervisor Walter: "Did you second that, Jim?"

Councilman Wooten: "Jodie."

Supervisor Walter: "Jodie. Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolutions 537, 538 and 539 are un-tabled in one motion and all withdrawn."

Supervisor Walter: "Okay. 543."

Diane Wilhelm: "You're doing my job for me tonight."

Councilman Dunleavy: "That's right, he is."

Resolution #543

Councilman Dunleavy: "Capital project closures budget adjustment. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #544

Councilman Wooten: "This is a general town Grumman Memorial budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #545

Councilman Gabrielsen: "Water department budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #546

Councilwoman Wooten: "Authorizes the supervisor to execute a no cost time extension for the Calverton freight rail access rehabilitation. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #547

Councilman Dunleavy: "Authorize the supervisor to execute a no cost time extension for the Grangebels Park improvement project. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #548

Councilman Wooten: "This terminates the leave of absence and ratifies the reappointment of part time police officers to active duty status. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy."

Councilman Dunleavy: "Yes. This is going to give us added police officers this summer.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #549

Councilman Gabrielsen: "Authorize the town clerk to publish and post a help wanted ad for call in fire prevention inspectors. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #550

Councilwoman Giglio: "Accepts the resignation of an account clerk. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "I wish Rosemary Smith the best of luck. She moved to Maine and I hope in the winter it doesn't get too cold for her up there.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is

adopted."

Resolution #551

Councilman Dunleavy: "Accepts the resignation of a crossing guard. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #552

Councilman Wooten: "This accepts the resignation of a homemaker. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #553

Councilman Gabrielsen: "Accepts the retirement of a heavy equipment operator. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Yes. I'd like to thank Bill. Bill's been with the town for a long time with the highway, so good luck in his retirement. Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I want to ditto what Councilman



Wooten said. He was a great worker for the town of Riverhead.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #554

Councilwoman Giglio: "Terminates detention attendant. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This is when they don't respond to our calls when we need them to come in for our- to be detention attendants. So our code says that we have to terminate their employment with the town.

So I'll vote yes."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "To add to what she said, they've got to come at least once a quarter and they haven't been.

So, yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "We're just letting them go. We're not really terminating them.

Yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Yeah. I can see why they don't come in. The pay is not that great.

So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #555

Supervisor Walter: "Michael Reichel is not here. This has to do with the upgrade of our sewage treatment plant in Riverhead. Is that correct?"

Councilman Wooten: "That is correct."

Councilman Dunleavy: "Yeah, that's what he said, yeah."

Supervisor Walter: "I'd like to table this because I think nobody on this board is ready to start pushing this project to create what could amount to a 544% tax increase. And unless this is absolutely time sensitive, I don't think we should move forward with this at this point. I didn't get a chance to talk to him about it."

Councilwoman Giglio: "I thought he said that the upgrades had to be completed by January of 2013."

Supervisor Walter: "They do."

Councilman Gabrielsen: "They do."

Supervisor Walter: "But the 544% tax increase and my philosophy on it is this last time it was 80% of the sewage plant was paid by the federal government. If the federal government doesn't have the money and that state government doesn't have the money and the town of Riverhead doesn't have the money, I don't know why the DEC suddenly thinks that the local business people are going to have the money (inaudible), and I think that we need to continue conversations with the DEC to move this project completion date back until the state can help fund it and the federal government can help fund it."

Because this is a plant that is not just for the town of Riverhead, this is for the entire east end and a 544% tax increase— I'll vote against it. But I don't think we should even be entertaining this. We need to be having conversations

with the DEC.

The economy is such that this is not the time to move forward with this but I'm convinced that this will put businesses out of business on Route 58."

Councilman Dunleavy: "Well I don't- I didn't expect this to come up after our conversation with him the other day.

So I'll move to table it."

Councilwoman Giglio: "This is just declaring us lead agency, but if you- we could table it."

Councilman Wooten: "This is declaring lead agency, right, and we have to demonstrate our compliance with the DEC. Isn't that the whole idea?"

Supervisor Walter: "But I talked to him about us not wanting to sign on to getting the EFC grants at this point because we're not ready- once we do that, and then we're signaling we're doing this."

Councilwoman Giglio: "Okay."

Supervisor Walter: "I'm not prepared to give the town taxpayers in central Riverhead that type of tax increase."

Councilwoman Giglio: "I don't think any of the board members want to pay a 544% tax increase so we should table it.

But I just don't know what the fines will be if we're not in compliance, if there are any. So- "

Councilman Wooten: "Right. And when you try to weigh the environmental- here we are at head river of the Peconic, so we have to certainly take that into consideration with our sewer borders. So there's a lot at stake here and there must be funding available through federal agencies that (inaudible) the environment.

And I think we need to get that going. Right?"

Supervisor Walter: "What's happened is when this plant

was— this upgrade is not based on science. This is the DEC looking at a point source and saying you need to do better and when you look at the total nitrogen that Riverhead sewage plant puts in and then you look at the total nitrogen of just a small subdivision on the Peconic Bay, this is not money well spent."

Councilman Wooten: "No, no. But it's the only stranglehold the DEC has."

Supervisor Walter: "And somebody somewhere in the New York State government needs to be looking at this globally and not just saying point source, we can regulate you so we're going to regulate you to death. We need to be looking at this globally."

Even Kevin McAllister I think would admit that the Riverhead sewage treatment plant is not the problem in the Peconic. It's all the old septic systems and cesspools that we have.

So I think it's time. I've talked to Michael. I've said from the very beginning that we'll design it. We have the money to design it, that's not costing the taxpayers money. We want to show a good faith effort to work with the DEC but the DEC has to show a good faith effort to work with us in (inaudible) this."

Councilman Wooten: "It's going to be another stalemate. I grant that the DEC, they have a stranglehold on us. But this particular (inaudible) with the nitrogen levels and that's about— they do have the authority so they're going to push us around that way."

And I agree with you but I'm not sure— I don't know."

Councilman Gabrielsen: "Well, this is kind of triggering the start— "

Councilman Dunleavy: "There's only one person that's going to get this increase— "

Councilman Gabrielsen: "This is triggering the start and it also says here that we're going to start seeking low interest long term loan. We're not going to start looking for

a loan for \$7.9 million dollars. We don't want to trigger that.

This resolution is saying that we're going to start, you know- "

Supervisor Walter: "We need help from the state, we need help from the federal government."

Councilman Wooten: "The town knew this what, eight years ago. We knew this day was coming. You know you're going to get your medicine-- I'm not sick anymore."

Supervisor Walter: "The science is not there to support this is my opinion and I think that the people- the environmental community are starting to realize that. That it's the non-point sources that are the problems and 17 million dollars focused on non-point sources probably would do more to remove nitrogen in the bay than upgrading the sewage treatment plant.

So the point is we need to continue the conversation with the DEC. This- I'm convinced this puts businesses out of business on Main Street and- "

Councilman Wooten: "We can table this now for more discussion. We can ask for a sit and talk. That's all."

Councilman Dunleavy: "This covers just a small portion of the town and the small portion that it covers is mostly the commercial- "

Councilman Wooten: "Yeah, but do you know how many towns on Long Island would kill to have a sewer district?"

Councilman Dunleavy: "I agree, but I can't have- I don't want to raise taxes on businesses 544%."

Councilman Wooten: "We wouldn't have a Route 58 without the sewer district."

Supervisor Walter: "We wouldn't."

Councilman Dunleavy: "We wouldn't. A lot of people

would say, gee, thank you. That's beside the point. We have a sewer district and I just think that- I've spoken to the sewer district supervisor and I thought that we came to agreement so I'll make a motion to table this resolution 555."

Supervisor Walter: "Right. Can I get a second?"

Councilman Wooten: "I'll second to table."

Supervisor Walter: "Moved and seconded as to table."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution 555 is tabled."

Supervisor Walter: "There is another thing. The county is looking to provide sewer services to what I would call the Flanders commercial district along Flanders Road, it's 24, and there is a thought- there is I don't want to say conversation, but there is a thought that Riverhead town might expand (inaudible) to expand its sewer district into the town of Southampton where we would sit- and I've talked to the people, I've said we sit as the sewer board in Southampton and that in and of itself, if we do that, my sense is you're going to get the money you need to upgrade the sewage treatment plant.

We'd have to design- change the design, because you'd have to increase the size of the facility. That is sort of what I'm looking to say to the DEC is listen we can't do this but if you want us to do more, we may be able to do more if we work together but we'll see.

All right."

Resolution #556

Councilman Wooten: "556 authorizes the town clerk to publish and post a public notice Wading River corridor, an amendment to the town of Riverhead comprehensive plan adopted November, 2003. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

Robert Kozakiewicz: "And just to say on the record. The first Resolve we're going to amend the date that it's going to appear in the paper from July 12, 2012 to July 26, 2012."

Councilman Wooten: "Yes, that's correct."

The Vote: "Giglio."

Councilwoman Giglio: "As amended, yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes, as amended."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #557

Councilman Gabrielsen: "Ratifies an appointment for a call in recreation aide I to the Recreation Department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #558

Councilwoman Giglio: "Ratifies the appointment of a fill in summer recreation aide to the Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #559

Councilman Dunleavy: "Appoints a recreation specialist to the Recreation Department. So moved."

Councilman Giglio: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #560

Councilman Wooten: "Appoints a call in park attendant III to the Recreation Department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #561

Councilman Gabrielsen: "Appoints a recreation specialist to the Recreation Department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #562

Councilwoman Giglio: "Authorizes the sewer district employee to attend a course. So moved."

Councilman Dunleavy: "And seconded."



Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #563

Councilman Dunleavy: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, stop and yield intersections, railroad crossings and parking fields. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #564

Councilman Wooten: "Authorize the town clerk to publish and post public notice of a public hearing to consider a proposed local law for the amendment of Chapter 101 Vehicles & Traffic of the Riverhead town code 101-12, no parking certain hours roads leading to water. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor, Walter: "Moved and seconded. Vote please."

Robert Kozakiewicz: "Same change on this one. The first Resolve should be July 26 instead of July 12."

Councilman Wooten: "Okay, as amended."

The Vote (Cont'd.): "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleay: "Yes, as amended."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #565

Councilman Gabrielsen: "Amends Resolution #476 of 2012 and that approves Chapter 90 application of Church of the Harvest, Riverhead community appreciation day July 28, 2012. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Councilman Gabrielsen: "I just want to point out they have a community appreciation day and they're going to add to their event by having a car show.

Yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #566

Councilwoman Giglio: "Approves extension of security posted by Campo Brothers in connection with the subdivision entitled Cedar Cove road and drainage improvements. So moved."

Supervisor Walter: "John?"

Councilman Dunleavy: "Excuse me. And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #567

Councilman Dunleavy: "Authorizes the supervisor to execute a professional service agreement with the Raynor Group P.E. L.S. P.L.L.C. Maple Avenue parking. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #568

Councilman Wooten: "This approves the Chapter 90 application of Miller Environmental Group for their geo-thermal energy expo September 28, 29, 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #569

Councilman Gabrielsen: "Approves the Chapter 90 application of the Long Island Moose classic car club. That's a car show on September 9<sup>th</sup>, 2012. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #570

Councilwoman Giglio: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

Councilwoman Giglio: "This is off street parking."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #571

Councilman Dunleavy: "Approves site plan of Metro Terminals of Long Island LLC lot 32. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #572

Councilman Wooten: "572 approves a Chapter 90 application of Riverhead Foundation for Marine Research and Preservation for their 5K run for Ridley on October 20, 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #573

Councilman Gabrielsen: "Authorize settlement of legal action against South Shore Docks Inc. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

Robert Kozakiewicz: "Before we take the vote, I'm not sure-- you've recused yourself from all things on this and this is calling for you to execute a stipulation of settlement so you want to have it as designee?"

Supervisor Walter: "Yes. Deputy Supervisor."

Robert Kozakiewicz: "Okay. So we'll put Deputy Supervisor. Okay."

Supervisor Walter: "Amend this. So do you want to remove it as amended?"

Diane Wilhelm: "And so Deputy Town Supervisor. Okay."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "As amended, yes."

The Vote (Cont'd.): "Walter, abstain. The resolution is adopted."

#### Resolution #574

Councilwoman Giglio: "Amends Resolution #448-12 adopting water rates.

We couldn't do them on increments of 500 gallons per day so we're actually giving the smaller users an extra 500 gallons per day for the same rate.

So I'll vote yes, or I'll move it. John?"

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #575

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Article XXX multi family residential professional office zone. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #576

Councilman Wooten: "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, business CR zoning use district rural neighborhood business. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #577

Councilman Gabrielsen: "Authorize the town clerk to post-- to publish and post a public notice to consider a local law to amend the zoning use district map for the town of Riverhead to provide for multi-family residential zoning use district exclusion of the existing business or CR zoning use district. So moved."

Supervisor Walter: "Hold up. Did we determine the map that goes- "

Robert Kozakiewicz: "Yeah, the map was prepared by our specialist Robert Hubb so we don't have a revised map today but there will be one."

Supervisor Walter: "But it is supposed to include that triangle?"

Robert Kozakiewicz: "Yes. So what should happen is the existing zoning use district should be reduced in size I guess to add tax lots 75-1-10 and 75-1-11 to proposed MRP zoning district. And the other lots which are 71--75-1-1.2 and 3

will, of course, be also under consideration.

I know those are the ones that show the split lots as under this map so it will be a total of five lots."

Supervisor Walter: "Okay."

Councilman Dunleavy: "That's adding that little triangle?"

Robert Kozakiewicz: "Correct. So it will be a totality of five lots."

Councilman Dunleavy: "And the gas station?"

Robert Kozakiewicz: "That's correct."

Councilman Dunleavy: "Okay."

Supervisor Walter: "Okay, moved as amended. Can we get a- "

Councilman Gabrielsen: "So moved, as amended."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded as amended."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #578

Councilwoman Giglio: "Authorizes the supervisor to execute an agreement with an employee. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

#### Resolution #579

Councilman Dunleavy: "Authorize the supervisor to execute contracts of sale for properties located at Horton Avenue for Horton Avenue hazard mitigation, major federal disaster declaration FEMA 1899-DR-New York. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yeah, finally this is coming to the head. We're going to help these families on Horton Avenue that were flooded out and buy their houses and they will relocate.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #580

Councilman Wooten: "This authorizes the town clerk to publish and post a public notice to consider a local law to amend Article IV early retirement incentive program for eligible full time police officers of Chapter 37 entitled retirement of the Riverhead town code. So moved."

(Some inaudible discussion)

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Publish and post, yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Yes. This is an incentive to try to get the retirement in our budget down for the police



department and it gives these guys an incentive to retire.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #581

Councilman Wooten: "Pays bills. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Diane Wilhelm: "And then we have one off the floor, 582 off the floor."

Supervisor Walter: "Can I get a motion to take 582 off the floor?"

Councilman Wooten: "So moved."

Supervisor Walter: "Second to take it off the floor."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded as to taking Resolution 582 off the floor."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, no; Walter, yes. Resolution 582 is taken off the floor."

Resolution #582

Supervisor Walter: "Would you offer motion 582?"

Councilman Gabrielsen: "585. Modifies hearing officer's recommendation. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I just want to say modifying a hearing officer's recommendation. We paid \$18,000 for a hearing officer to have four full days of testimony and paperwork and everything involved with the town and outside counsel.

The employee had to take a 30 days suspension with no pay. He paid retribution to the town and there are a lot of items in here that says where the town believes, the town believes, the town believes, the town believes.

I don't know this person. I can only go based on the testimony and what the non-biased hearing officer has recommended that the town do.

And I don't believe in modifying a hearing officer's recommendations. So I will vote no."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I read the report and it was a tough decision but they also recommended, the end gamers, that this particular person is hired back into the highway department. And the Geo Woodson who's the supervisor, he's the head of the department, he's an elected official and he says he refuses to take this guy back.

Now this person has been out for a year getting paid because Geo refused to take him back. So we could have the same scenario, if Geo has told us he refused to take this employee back, so we could be paying this employee to sit home the next one, two, three, four, five years.

So basing on that and I really think with this amount of different problems that we've had with this employee, the town needs to show some employees zero tolerance for these type of incidents.

But once again like you say Geo made it very clear he would not take this town employee which means he'll be continued to be paid sitting home.

And I refuse to transfer him to another department. I don't think that's the way to do it. It would be Geo's call on this one. He made very clear to us.

So I'm going to vote yes."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "It's nice that you should just take a hearing officer's opinion but there was a question a few months ago from the same one that thinks it is gospel, that there might be some questions about the validity of any decision coming out of a hearing officer because of undue influences from any side.

So hearing officers make recommendations. It's no different than, you know, a trial and you have to come to a decision.

Basically I won't go into any merits of the case. I'm not going to-- the question of the hearing was based on a specific incident but there's a totality of incidences that happened throughout a time period that wasn't specifically addressed in this particular hearing.

That coupled with the fact that the highway superintendent has made it clear that it wouldn't be beneficial to him and the working conditions of the department to have this particular employee back.

And I think there's a standard that employees have to have when they represent this town on the street. I don't care whether it's recreation department or whether it's buildings and grounds or whether it's a council person or whether it's highway or whoever.

If you're on the street and people know you work for the town of Riverhead, you should act like you work for the town of Riverhead. And you shouldn't be cursing, you shouldn't be throwing things, you shouldn't be abusive. You should be

respectful and you should be courteous.

And so I'm going to vote yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "Okay. I'm willing to go with the hearing officer because this employee has been off getting paid for a year and he was-- had two charges against him. One charge he found not guilty and two specifications and one charge guilty.

If this was an insubordinate employee that continues insubordination all the time except one incident I would say yes, we have to fire him. But this is an employee that was promoted by this town board on December, 2010 and then August, 2011 he's brought up on charges.

He's a good employee and if you listen to what the hearing officer said, it-- she said in one of her testimonies, what emerged in testimony is pictures of (inaudible) with dissension, conflict and confusion of alliances.

It is in the view of the hearing officer that the best one might say of members of the highway department boys will be boys. At worst it would seem that there is a serious lack of leadership and team building among highway department personnel.

So what we're doing is we're going along with the supervisor who she says is really lack of supervision and saying let's get rid of the employee. Okay."

Supervisor Walter: "Not me, not me."

Councilman Dunleavy: "So this is what's happening and I really don't think that-- maybe the supervisor should be spoken to and have a correct supervision instead of saying let's get rid of the employee and let the supervisor do what they want to do.

So I'm going to vote no."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "I wasn't going to comment but I think the public deserves to understand the process at least.

When an employee is brought up on charges, the supervisor can suspend the employee. The employee can be suspended for a certain period of time without pay, depending upon the charges.

The town supervisor did that, the town board did that. This employee then went through a series of hearings for two separate incidences and what happens is the town board, you have a hearing officer that takes testimony and it creates a record. And then it is-- the hearing officer makes a recommendation to the town board and it's only a recommendation.

I've reviewed the testimony. I've reviewed the record and, quite frankly, the hearing officer got it wrong and I don't discount everything that you read because there's a real problem in the highway department.

But the hearing officer on this particular case is 100% wrong and we sit in judgment of the totality of the facts and circumstances. We don't-- we're not bound by the hearing officer's decision. Her job is to gather the facts and the evidence and present it to us and make a recommendation.

In this case the facts and the evidence are wrong. She directly contradicts herself in her decision and so I vote yes on the resolution."

Diane Wilhelm: "The resolution is adopted."

Supervisor Walter: "Okay. At this point, we take testimony-- not testimony, we take comment on anything that you'd like to discuss. We'd like you to limit your comments to five minutes. Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. First of all, Saturday night. I heard the ad on the radio about the music but it never said what time it starts."

Councilman Wooten: "Six o'clock. Yeah, it's six to nine."

Sal Mastropaolo: "The public knows it now."

Councilman Wooten: "Six to nine, yes."

Sal Mastropaolo: "Okay. Next things. Almost at every meeting you guys vote on Chapter 90's and you waive the fees for non-profits. Okay. Isn't a church considered a non-profit? And if we're waiving the fees for Chapter 90's, why aren't we waiving the building department fees for building permits for non-profits?"

Supervisor Walter: "That's a slippery slope. Good question."

Sal Mastropaolo: "I talked to the gentleman at St. John's today to find out what the status of the building permit was. And he said he was called by the town and they had a question about egress which he satisfied with Sharon Klos and while I had him on the phone I asked him, I said, by the way, are they charging you for this building permit which you really didn't need because you didn't have to do any structural changes to the building? And he said yeah, \$440.00.

And I said, well, I'm going to bring that up because it seems like the town is not consistent in its handling of non-profit organizations."

Councilman Wooten: "Well, all right. Like I said I'd like to wrestle this (inaudible). A Chapter 90, right, which really the cost is more of the manpower to set up a tent or the show-mobile wherever it might be needed."

Sal Mastropaolo: "We do inspections in both cases."

Councilman Wooten: "I know you do but it's- you're inviting some sort of gathering. There's some sort of a public gathering. The public is involved somehow. Fixing a vent over a stove in a church is more of a site improvement, whether- you can argue the merits whether it needs a building permit or not because of what was being done.

But I don't know about waiving the fee. I don't know. It's an interesting exercise. You know, the church is being tax free and believe me I'm one of the trustees at my church."

Sal Mastropaolo: "The funny thing is— I'm not saying we should waive the building department fees. I'm saying we should be consistent. If we're going to charge non-profits for building permit fees, then we should charge Chapter 90's because they're both non-profit and they both do things for the public good. Okay.

The churches have soup kitchens, the churches have pantries that they give out food. The church gives out 200 turkey dinners to 200 needy families. They don't ask who the families are."

Councilman Wooten: "I know what you're saying."

Sal Mastropaolo: "The church has facilities for unwed mothers, okay, so the church is definitely a non-profit."

Councilman Wooten: "That would be an interesting— "

Councilman Dunleavy: "I have to agree that the churches are bringing this community together and all the things they have— they have AA, they do a lot of good for this town and I really think that we should treat everybody evenly.

And I've always said that, whatever we do, everybody should be treated fairly and if we waived the fees for other non for profits and we should raise the fees for churches, too. That's how I feel."

Councilwoman Giglio: "And that's cheap. There's another church in town that got a bill for like \$16,000 I think for renovation which required— "

Councilman Wooten: "Another church can maybe do a full expansion of a whole new church. Waive all the building fees for that."

Councilwoman Giglio: "Looking at the plans, several sections, things like that."

Supervisor Walter: "I don't think the law allows us to waive building permit fees."

Councilwoman Giglio: "No. I think we looked into it."

Sal Mastropaolo: "Okay. Well I think we're inconsistent."

Supervisor Walter: "We're consistently inconsistent. How does that sound?"

Sal Mastropaolo: "Yes. Last item. What's the status of the cell tower at St. John's. It's been like three years-- "

Supervisor Walter: "I don't think that there's-- there were three applications. I don't think the proponents have moved forward with it. It's not us-- "

Sal Mastropaolo: "You mean the environmental study that we were supposed to be doing?"

Supervisor Walter: "I don't think that the-- whoever your carrier is at St. John's that wants to build it, I think that they've stopped the process."

Councilman Dunleavy: "I've spoken to-- I work with the cell towers in Riverhead and I've talked to a lot of telephone-- the users of the cell tower, the carriers, and we're in bad economic times now and they just can't put the money out right now for new cell towers.

We have one in Calverton that has one carrier on it and we expected six carriers but the other five, they said that in the economic times they can't do it, to build one up from the bottom.

It's a lot easier to put it on water towers because it's a lot cheaper to put it on a standing fixture already."

Sal Mastropaolo: "I thought we were-- I was under the impression that the last time this came up about cell towers and there were a few of them, that we had a moratorium because we were doing some kind of an environmental study, okay."

Supervisor Walter: "So we pos dec'd them. So they have to do an impact statement."

Councilman Wooten: "Right. I think the real (inaudible) was that they had to come in and show a need."



Sal Mastropaolo: "Okay."

Councilman Dunleavy: "Yeah, we were going to hire a consultant for the town to work- did we ever hire them?"

Supervisor Walter: "We didn't do it because when we pos dec'd them, they all went away."

Councilman Dunleavy: "Okay. So we didn't hire that consultant so it just- "

Sal Mastropaolo: "Okay, so you're saying that the carrier has backed off on the application?"

Supervisor Walter: "Right, yes."

Sal Mastropaolo: "All right. I'll check on it because he's currently paying \$2,000 a month to the church, okay, to have the application active."

Supervisor Walter: "Thank you."

Dominique Mendez: "Hello again. Dominique Mendez, Riverhead Neighborhood Preservation Coalition.

And I wanted to submit a legal memo tonight which I'll give to you after I'm done with this. And it's from the RNPC. We retained Northern Environmental Law Center in Sag Harbor for this.

And this legal memo addresses an issue that first came to our attention at a June 17<sup>th</sup> planning work session discussion on the North Shore Country Plaza project that's proposed for Wading River.

The attorney for the Partridge (phonetic) family who is Mr. Peter Danowski, took the position at that meeting that the design and parking standards in the BCR zoning category were not mandatory but merely voluntary at the applicant's discretion.

If this were the case since design and parking guidelines appear in 13 commercial and multiple residential zones, then none of those standards could be enforced by the town.

Of course, we don't believe for a second that this is the case. And the planning board's practice up until now is consistent with the only logical interpretation of this code which the legal memo makes clear. And I'm going to read you a couple of excerpts from that legal memo for those watching and the press.

From the legal memo: Upon careful consideration-- inspection of the town of Riverhead's code, we find that this interpretation of these code provisions as mere voluntary standards is flatly inconsistent with the plain language of the code.

It is also inconsistent with the clear intent of the town board as expressed in the minutes of the board meeting when these guidelines were adopted.

In particular, the Riverhead town code clearly says that these guidelines are to be applied by the board when it decides whether to approve or deny a particular request.

The code specifically instructs the board to comply with the guidelines to the extent practicable as determined by the board.

Thus in reviewing an application that is subject to the guidelines, the board is charged with the duty to review the guidelines and determine the extent to which an applicant must comply with them based on the standard of practicability. (I hate that word)

The term practicable is defined as reasonably capable of being accomplished. Feasible, according to plain language of the statute therefore an applicant is required to comply with the guidelines to the extent that such compliance can be achieved.

The determination of whether compliance can be achieved is left to the sound direction of the board, not the applicant.

The use of the word guideline does not grant the applicant discretion to ignore those code provisions.

This interpretation is also consistent with the language

of the minutes from the town board meeting when it considered amending the code to replace the word standard with the word guidelines.

As the minutes clearly state, design standards are intended to be a guide or measure for improvement. The word shall be recited-- actually it says shall recited-- they made a mistake, in provisions in each of those zoning use districts is intended to obtain compliance to the extent practicable.

And last bit here, the minutes further state that the intent of modifying the provision to include the word guidelines was to, and this is exactly from the minutes, give the approving board some flexibility in adjusting design and parking standards depending on the site. Once again, this discretion belongs to the board, not to the applicant.

So I wanted to give you a feel for the impact of treating these guidelines as voluntary and I can tell you about a number of design guidelines that the applicant failed to include in the site plan based on this rationale.

And one was the requirement for a minimum of four buildings. That site plan has three and one is over 23,000 square foot. It's a 23,000 square foot building, it would probably be split into at least two buildings and be a lot smaller.

Trees and landscaping, they ignored that one. There's a lot of trees and landscaping would be required in that parking lot. It would really break up and change the look of it. Those don't exist in that site plan. That guideline was ignored.

A central square or park or a courtyard, that's very central to that zoning. That is not in the site plan. They felt it was voluntary and they didn't want to include that.

Walkways for safe and convenient pedestrian access to storefront entries from all parking areas. Again, not in that site plan.

The town code is under the town board's jurisdiction and I was sure that you would want to be made aware of this tactic

that could render useless design and parking standards that were codified in order to improve the appearance and usability of new development throughout this town.

I am confident that once you have had a chance to read the legal memo in its entirety and consider it carefully, that honest consideration of the facts cannot lead you to any other conclusion but that these design guidelines can only be waived as part of the site plan process by the planning board.

If it is determined that adhering to the guidelines cannot be reasonably accomplished even if the applicant would prefer not to abide by them for whatever reason.

I'm going to pass this legal memo up to you. It was sent- "

Supervisor Walter: "Have you met Jeff Murphree?"

Dominique Mendez: "I have not."

Supervisor Walter: "Jeff, could you just stand up. Dominique, that's Jeff Murphree."

Dominique Mendez: "Hello Jeff."

Supervisor Walter: "He is our new building and planning department administrator."

Dominique Mendez: "Great."

Supervisor Walter: "So if you could give a copy of that to him, I'm sure he'd enjoy reading that."

Dominique Mendez: "Great. And there's one coming in the mail. I just don't know- it might have gotten to your office today. I'm not sure, but it might not have."

Supervisor Walter: "Okay. All right. Thank you. Who are you? Oh, Councilman Vic Prusinowski."

Vic Prusinowski: "Former Councilman Vic Prusinowski. I'm actually here tonight. I was- thank you very much for approving our Metro site plan."

I'm here to comment on Resolution 555. I think the town board did the right thing by postponing this action especially when the funding has not come through.

I also want to comment on another thing I read in the paper. I fee a former colleague and I are here from Riverhead Local tonight.

Under no circumstances am I in favor of extending the sewer district beyond our borders. It's extended now as you know to the Suffolk County complex which we have a routinely hard time collecting money.

I know that if the (inaudible) is extended for the sewer district near the-- the trustees will probably get paid on time for the sewer district but here's what I say.

About 15 years ago, Denise and I went to a meeting on the east end about garbage districts which is a topic I read in the paper and we had our fingers waived at us. You're stupid, you're making the wrong move. You're stupid, you're stupid.

One guy built a 15 million dollar compost plant which is now abandoned and bankrupt and they all have a rotten collection of garbage.

We have the best on the east end, probably one of the best in Suffolk County. We probably have-- and I haven't checked the statistics at (inaudible) recycling. I am deadly opposed to extending the sewer district.

Let them make the application, get a permit from the DEC and the EPA. You build your own sewer district. You get a discharge permit into the Peconic Bay. You get accused of-- the entire east end especially the south shore, of polluting the estuary which we have routinely over years, okay. I'm-- fine.

If you want to create a garbage district in Southampton, I'm all for it. I think they should have done it 15 or 20 years ago. But let them administrate it, let them pass it, let them create a district in Southampton.

Under no circumstances the town board, my recommendation, the town board should consider anything crazy like that. Let--

we have enough responsibility in the town of Riverhead to manage— and we do a great job collecting the district and I applaud the board who went out to bid and we have one of the lowest collection taxes on the east end. It's convenient.

So when I read those two things, in fact, I talked to Denise about it and I remember the meeting. They were oh, you're stupid, you're stupid.

Well, here's what I say to them. You want to have a sewer district in Flanders, I'm all for it. You permit it, you get the costs of engineering, you have the responsibility of complying with all the new EPA. We have enough time.

Also, I just want to end up on this. The sewer district tax or the increase in the assessment, it's not just for the businesses. We have 30% of the— "

Supervisor Walter: "Let me ask you a question. I've got to ask you a question."

Vic Prusinowski: "Sure. Thirty percent of the town resides in the sewer district."

Supervisor Walter: "All right, all right, I hear that. You've got a very parochial view of this. I want to flush some things out."

Vic Prusinowski: "Parochial? I have it based on experience."

Supervisor Walter: "You have a very parochial view of the sewer district and I'm not sure— I don't have a position on this but I want to flush it— excuse the example, no pun intended."

If the town of Riverhead were to consider extending it as not what we did with the county, but we sat as the sewer board in Southampton, we then have complete control over everything there."

Vic Prusinowski: "Right. And we also have the responsibility of the extra effluent."

Supervisor Walter: "Can you let me get to my question?"

Vic Prusinowski "Sure."

Supervisor Walter: "Now if they— on that side of the river were able to obtain large grants, if, and they were able to use that— we were able to use that to do the 18 million dollar upgrade, and we knew then that that side of the river would be developed in a, you know, a reasonable fashion with good businesses following with what we've done on Main Street and Route 58, would you still be opposed to it?"

Vic Prusinowski: "Yes, because let me tell you. With the sewer district it's a double edged sword. We also are responsible for our effluent. Okay. We also— there's a— I'm only guessing, Sean, right now we're about what— 90% of our capacity for the primary plant which is a secondary plant, exactly.

The biological plant, we're a partner with Southampton town so we take all the cesspool, you know, waste that comes in from both towns so we're partners now with the town of Southampton.

If the grant— the reason you're postponing this right now is because the federal government and the state don't have the money to contribute to the 18 million dollars.

By the way, the— not you guys did it, but the tax that's on the key money tax that's imposed on businesses now to collect the capital— a lot of businesses in town don't understand it and when you get a bill for \$35,000 which routinely my accounts are \$10,000 for the key money. That money is to collect to put in a fund to fund the— as our contribution to that 18 million dollars.

I think we're what— the plant— "

Supervisor Walter: "It's like five million dollars."

Vic Prusinowski: "Yeah, right. So we're— and we're having a hard time collecting that and we're— we don't have that many other businesses that can hook up because as you know, the sewer district is limited. So— "

Supervisor Walter: "But if they gave us a boatload of money, I'm not saying they would, and then we had an orderly development of Flanders Road, would that not be a good thing?"

Vic Prusinowski: "I'm not too worried about the orderly development of Flanders Road because a lot of it is restricted by the Department of Environmental Conservation so I'm not that worried about it.

If the money is there, what I would say, Sean, is show me the money first before you take on the responsibility-- "

Supervisor Walter: "Oh, I agree."

Vic Prusinowski: "-- because I can tell you right now. To increase the volume of the plant you're also increasing the responsibility and the levels of the effluent that goes into Peconic Bay and it's a double edged sword.

And as far as the garbage district, I hope you're not entertaining that at all."

Supervisor Walter: "Oh, no, no. What about this, because Southampton can do their own garbage."

Vic Prusinowski: "Right. They can do their own garbage district."

Supervisor Walter: "What about the county taking over the sewer district as a regional district? What would you say about that?"

Vic Prusinowski: "Well, I'm deadly opposed to the water district being taken over by Suffolk County but I would say the sewer district, I would take a look at it because let them have the responsibility if they want to manage the sewer district."

Supervisor Walter: "As a regional asset."

Vic Prusinowski: "Right. See the water district has different complications than the sewer. First of all, the water district is 95% of the town. It also has a lot to do with our land use planning for the town of Riverhead. It's a little bit different.



And by the way, Jimmy said it before. A sewer district is a valuable asset for commercial development because I'm going through one now in Brookhaven as you guys know, and we have a wastewater situation where the town of Brookhaven built something and nobody has a record of the wastewater system there and of course I can't get through the health department without a wastewater permit.

So you'd have to take a look at it closely."

Councilman Dunleavy: "I think you're right. First of all, I don't think we're going to get that much money because the infrastructure putting the sewer in Flanders is going to cost a lot of money."

Vic Prusinowski: "It's 100 to 1 to water. It's \$100 to \$1.00 to extend water (inaudible)."

Councilman Dunleavy: "Plus I don't think the town of Southampton will let us join them in orderly development of any of the town of Southampton."

Supervisor Walter: "That's the key."

Councilman Dunleavy: "I don't think they will because they control it and they don't want outsiders to control it."

Vic Prusinowski: "Well, they do. It's the town of Southampton. They control the zoning and the business district."

Councilman Dunleavy: "I really don't think it will help us."

Vic Prusinowski: "I think some of our water district goes over there, too, if I'm not mistaken, so- "

Councilman Wooten: "They go through a comprehensive plan for the Riverside area anyhow."

Vic Prusinowski: "Yeah, they do. And they need- and a lot of it, they need sewer and that's fine. So then create your own sewer district, hire expensive engineers."

Supervisor Walter: "They're like our adopted home— our adopted home town over there."

Councilman Wooten: "There's (inaudible) between Flanders and Riverhead— "

Vic Prusinowski: "Well, it's always, you know, not— and maybe it's because I'm upset that she beat you in the cardboard boat race, because she had a two paddle— wait a minute, wait a minute.

She had a two paddle and you had the one paddle and I thought the two paddle was supposed to sink.

But, look, here's the thing. They never— when I used to read about how it's Riverhead's sewer plant's fault we have brown tide, it used to drive me nuts. Okay?"

Supervisor Walter "I agree. And I think they realize that that's not the case anymore."

Vic Prusinowski: "No, I'm sure they do, I'm sure they do. But you should look at it carefully."

Supervisor Walter: "Oh, yeah."

Vic Prusinowski: "Proceed carefully."

Supervisor Walter: "That's why we're not moving forward with that resolution."

Vic Prusinowski: "Well, the main thing is if there's no money from the state or the federal, again, you did the right move tonight to postpone it and tell the DEC they have to wait until there's some finance— you know, funding coming."

Councilman Dunleavy: "Everybody dumps on the town of Riverhead."

Vic Prusinowski: "And believe me I was on the board when they did it on a regular basis. And, by the way, let's take the DEC.

I remember the DEC said you've got to shut the landfills

down, blah, blah, blah. And we're going to fine you. Well, the town of Southampton and Southold and East Hampton got together and we defied the DEC and we saved hundreds-- not hundreds, we saved tens of millions of dollars compared to the 700-- in the town of Riverhead, we only paid a fine of about \$650,000 and saved \$6,000,000 in transporting the garbage.

Sometimes you've got to take a stand against the DEC."

Supervisor Walter: "And we wasted it all by trying to dig the landfill up and moving it to Ohio."

Vic Prusinowski: "Well, that was another policy decision. But initially when we got together, everybody said well, you can't defy the DEC. And we did and we saved the taxpayers a lot of money.

So my point is here, the DEC has to be a little more understanding here on this landfill-- on the sewer plant."

Councilman Dunleavy: "My point was that whoever negotiated-- "

Vic Prusinowski: "And by the way, we had-- as you know, the scavenger waste is a tertiary plant just so the public knows. It's 99%, you know, and even our primary, secondary plant is 98% nitrogen free."

Councilman Dunleavy: "Yeah, but Vic, whoever negotiated the contract with the town of Southampton for our scavenger waste, really did the town of Riverhead a disservice because we get 70% of our scavenger waste from Southampton town and Southold town, when we only bring in 15%-- and we have to take care of the plant and we have to give an 18 million dollar-- "

Vic Prusinowski: "I have to say this. I took office January 1, 1980 and that contract was in place. So I don't know who did that. Joe and I, we took office January 1, 1980-- "

Councilman Dunleavy: "And we can't raise their fees any more than we charge a Riverhead resident."

Vic Prusinowski: "Okay."

Supervisor Walter: "George has got one foot out the door. Anybody else wish to be heard tonight?"

All right, can I get a motion to adjourn?"

Councilman Dunleavy: "I make a motion to adjourn."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "Thank you everybody for coming."

Meeting adjourned: 9:23 p.m.